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**IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CS(OS) 1900/2015

MANIKA MADAN

..... Plaintiff

Through: Ms. Payal Jain, Advocate.

versus

MAMTA NAGPAL & ANR

..... Defendants

Through: Mr. Tanmaya Mehta, Advocate with  
Mr. Vikram Singh, Advocate for  
defendant No.1.

Lt. Col. Baruna Madan, defendant No.2  
in person.

**CORAM:**

**HON'BLE MR. JUSTICE MANMOHAN**

**ORDER**

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**14.03.2018**

**I.A. 13243/2015 in CS(OS) 1900/2015**

Since the present suit is a suit for partition, this Court is of the view that the properties need to be protected.

Accordingly, the ex parte ad interim injunction order dated 07<sup>th</sup> July, 2015 as well as order dated 06<sup>th</sup> December, 2016 are confirmed till the disposal of the present suit.

With the aforesaid observations, present application stands disposed of.

**I.A. 14956/2017 in CS(OS) 1900/2015**

Present application has been filed under Order 7 Rule 11 CPC.



However, keeping in view the averments in the plaint, this Court is of the view that whether the plaintiff is in constructive possession of the property or not is a mixed question of fact and law.

Accordingly, present application is dismissed. However, it is clarified that an issue with regard to constructive possession shall be framed and the parties shall be at liberty to lead evidence on the said aspect.

**I.A. 14957/2017 (u/O 12 Rule 6) in CS(OS) 1900/2015**

At the request of learned counsel for defendant No.1, adjourned to 09<sup>th</sup> July, 2018.

**I.A. 3531/2018 in CS(OS) 1900/2015**

Issue notice.

Ms. Payal Jain, learned counsel accepts notice on behalf of the plaintiff.

Mr. Tanmay Mehta, learned counsel accepts notice on behalf of the defendant No.1.

They pray for and are permitted to file the reply affidavits within a period of four weeks.

Rejoinder affidavit, if any, be filed before the next date of hearing.

List on 09<sup>th</sup> July, 2018.

**CS(OS) 1900/2015 & I.A. 14958/2017**

List on 09<sup>th</sup> July, 2018.

**MANMOHAN, J**

**MARCH 14, 2018**

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